* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Catherine L. Graham Petitioner

* Case No. 93-185-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owner of the subject property, Catherine L. Graham, and the Contract Purchaser, Lloyd's Home Sales, Inc., by Lloyd A. Harris, Jr. The Pctitioner requests relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 23 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Lloyd Harris, Contract Purchaser. There were no Protestants.

Testimony indicated that the subject property, known as 1015 Cord Street, consists of 5,408 sq.ft., zoned D.R. 5.5 and is presently unimproved. The Petitioner has entered into a contract to sell the subject property. The buyer is desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that in order to locate the dwelling on the lot in such a manner that front and side yard setbacks can be maintained, the relief requested is necessary. Mr. Harris testified that the proposed dwelling will be of sufficient size to meet the needs of the buyer and has been designed in keeping with the character and nature of the surrounding community. Further testimony indicated that granting the relief requested will not result in any detriment to the public health, safety or general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13^{16} day of January, 1993 that the Petition for Zoning Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 23 feet in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Deputy Zoning Commissioner for Baltimore County

TMK:bjs

- 2-

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 1015 CORD STREET which is presently sened D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1. TO ALLOW A 23' REAR SETBACK IN LIEU OF THE REQUIRED 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or THE PROPOSED DWELLING, WHICH IS AN ADEQUATE SIZE FOR MY NEEDS, CAN BE LOCATED ON THE LOT IN A POSITION THAT WILL CONFORM TO THE REQUIRED SIDE YARD SETBACKS AND THE REQUIRED FRONT SET BACK (BY AVERAGING). HOWEVER, THE DWELLING CAN NOT BE POSITIONED TO MEET THE REAR SETBACK REQUIREMENT OF 30 FEET. THE REAR DISTANCE WOULD BE 23 FEET.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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K.L.S. CONSULTANTS, INC.

ENGINEERS AND SURVEYORS 102 NORTH MAIN STREET, BEL AIR, MARYLAND 21014

ARTHUR E. LEONARD, P.E., RONALD M. KEARNEY, PROPT. L.S., JOHN A. STALEY, PROPT. L.S.

November 19, 1992

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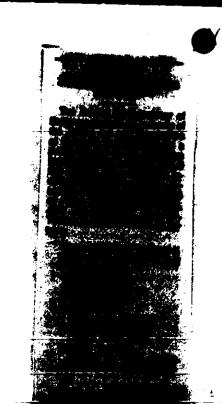
ZONING DESCRIPTION

Beginning at a point on the north side of Cord Street which is 50 feet wide at the distance of 108 feet west of the nearest

improved intersecting street, Propeller Drive which is 50 feet wide. Being Lot #129, Section 2, Plat D in the subdivision of Victory Villa as recorded in Baltimore County Plat Book #22, Folio #112, containing 5408 square feet. Also known as 1015 Cord Street and located in the 15th Election District.

Date of Posting 17/07/92 Cotheria Grahom + Hoyds Home Sala Inc ration of property: (1015) N/S Cord St. 108 W/ Propeller Dr.

- 3-



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

(410) 887-4386

January 13, 1993

Ms. Catherine L. Graham 1820 Steven Drive Edgewood, Maryland 21040

RE: PETITION FOR ZONING VARIANCE N/S Cord Street, 108' W of the c/l of Propeller Drive (1015 Cord Street) 15th Election District - 6th Councilmanic District Catherine L. Graham - Petitioner Case No. 93-185-A

Dear Ms. Graham:

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

> Surthy Kotroco TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Very truly yours,

TMK:bjs

cc: Mr. Lloyd A. Harris, Jr. 1105 Mountain Road, Joppa, Md. 21085

People's Counsel



Towson, MD 21204 DATE: 12-21-92

111 West Chesapeake Avenue

(410) 887-3353

Lloyd's Home Sales, Inc. 1105 Mountain Road Jopps, Maryland 21065

CASE NUMBER: 93-185-A (Item 191) M/S Cord Street, 106' W of c/l Propellar Drive 1015 Cord Street 15th Election District - 6th Councilmenic Legal Owner(s): Catherine L. Graham Contract Purchaser(s): Lloyd's Home Sales, Inc. HEARING: TUESDAY, JAMUARY 12, 1993 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER

Baltimore County Government Office of Zoning Administration and Development Management

BEC 0 9 1897

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesepeaks Avenue in Townen, Maryland 21204

Room 118, Old Courthouse, 400 Heshington Avenue, Towson, Haryland 21204 as follows

CASE MUMBER: 93-185-A (Item 191) M/S Cord Street, 108' W of c/l Propellar Drive 1015 Cord Street 15th Election District - 6th Councilmonic Legal Owner(s): Catherine L. Graham Contract Purchaser(s): Lloyd's Home Sales, Inc. HEARING: TUESDAY, JANUARY 12, 1993 at 9:00 a.m. in Rm. 106, Office Building.

Variance to allow a 23 foot rear setback in lieu of the required 30 feet.

111 West Chesapeake Avenue

Towson, MD 21204

cc: Catherine L. Graham Lloyd's Home Sales, Inc.

MOTE: HEARINGS ARE HAMDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration and Development Management

December 31, 1992

(410) 887-3353

Ms. Catherine L. Graham 1820 Steven Drive Edgewood, MD 21040

> RE: Case No. 93-185-A, Item No. 191 Petitioner: Catherine L. Graham, et al Petition for Variance

Dear Ms. Graham:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

Petitioner: Catherine L. Graham, et al Petitioner's Attorney:

30th day of November 1992.

State Highway Administration



9373-92 O. James Lighthizer Hal Kassoff

111 W. Chesapeake Avenue Towson, Maryland 21204

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.



Teletypewriter for Impaired Hearing or Speech
383-7555 Saltimore Metre - 565-0451 D.C. Metre - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Saltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: December 15, 1992

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee (December 14, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Catherine L. Graham, Item No. 191 Richard and Nancy Powell, Item No. 192 Huntington Development Corp, Item No. 193 Albert and Marlene Riggio, Item No. 195/ Benjamin and Judy Hassan, Item No. 197/

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

PK: rdn

Rec'd 12/21/92 1912357.ZAC/ZAC1

DPW/Traffic Engineering 12/18/92 Development Review Committee Response Form Authorized signature Project Name File Number Waiver Number Zoning Issue Meeting Date Catherine L. Graham 12-14-92 DED DEPRM RP STP TE Richard C. and Nancy G. Powell DED DEPRM RP STP TE Huntington Development Corporation DED DEPRM RP STP TE Nancy E. and David M. Paige DED DEPRM RP STP TE Albert J. And Marlene C. Riggio DED DEPRM RP STP TE DED DEPRM RP STP TE Benjamin J. and Judy B. Hassan Ronald and Shelley Seff DED DEPRM RP STP TE **我你就是我们的过去时,我们还是我们们就是我们的我们们的我们们们就是这个人的,我们就是我们的我们的我们的我们的我们的我们,** Stonegate at Patapsco (Azreal Property) ZON DED TE (Waiting for developer to submit plans first) 。 我们们是由我们会自己的自己的,我们也可以我们们们是有一个自己的自己的,但是是一个人的,我们们也可以不是是一个人的。 COUNT 1 FINAL TOTALS COUNT 9

*** END OF REPORT ***

ZON DED TE (Waiting for developer to submit plans first)

* * * END OF REPORT * * *

Stonegate at Patapsco (Azreal Property)

DPW/Developers Engineering Division (Public Services)

Waiver Number

Date 12/21/72

Meeting Date

12-14-92 **NC**

Zoning Issue

Development Review Committee Response Form Authorized signature

Richard C. and Nancy G. Powell

Nancy E. and David M. Paige

Albert J. And Marlene C. Riggio

Benjamin J. and Judy B. Hassan

Huntington Development Corporation

Project Name

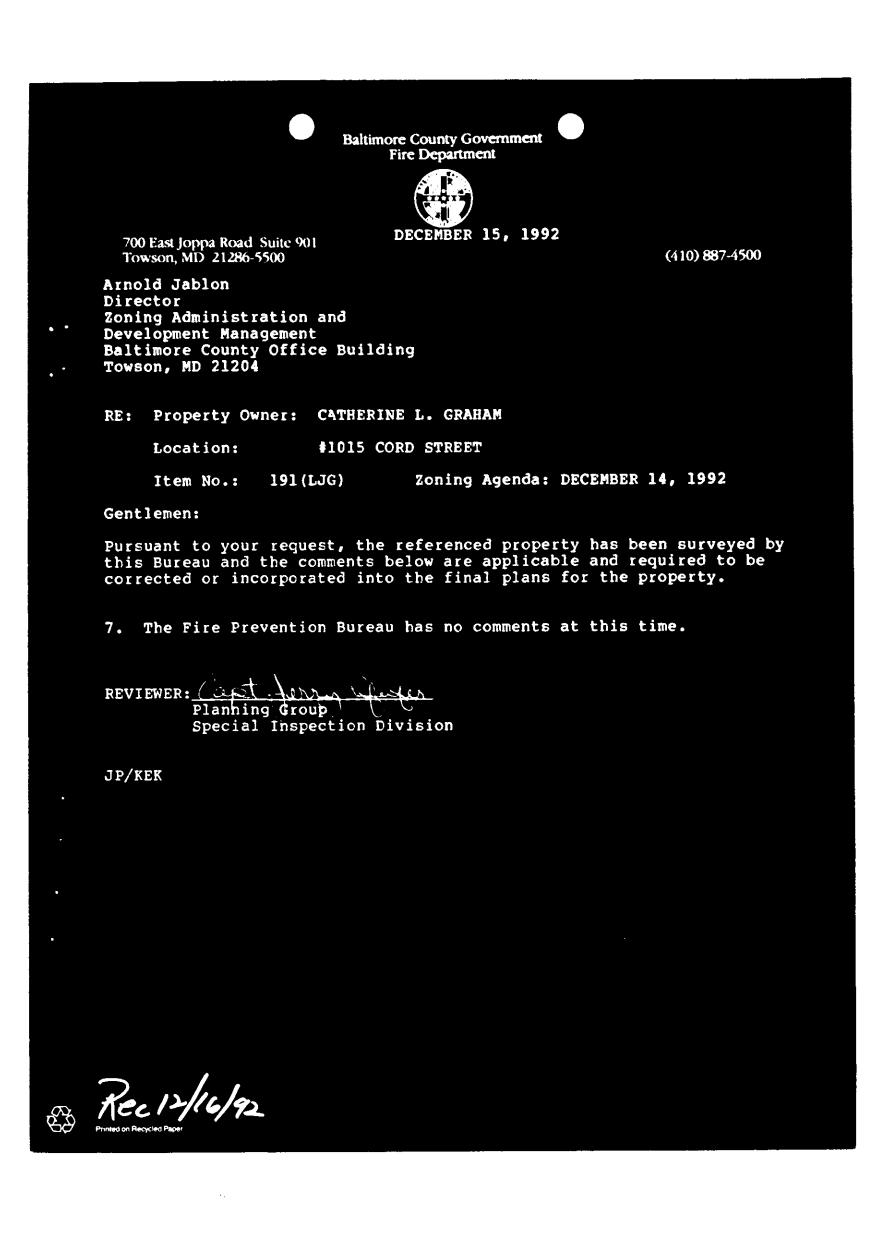
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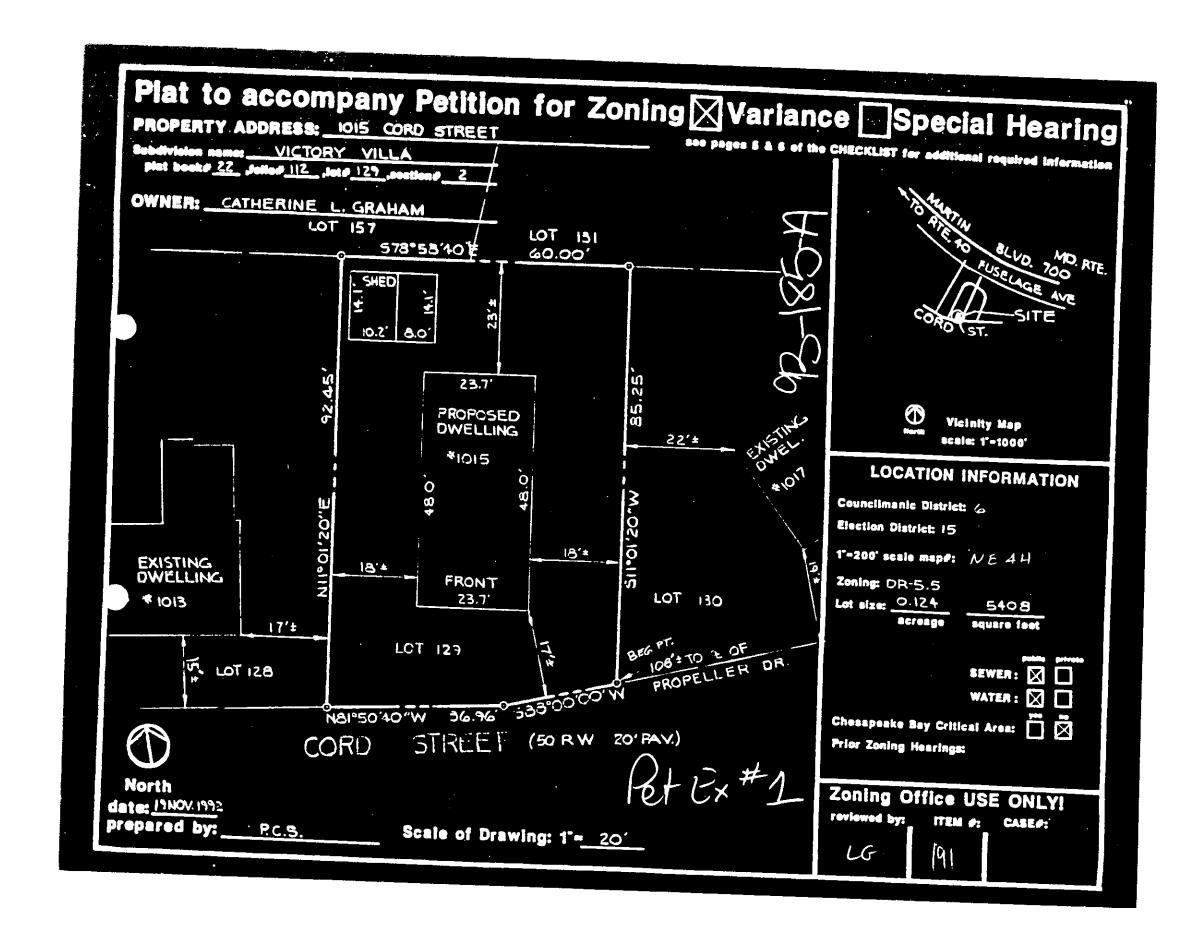
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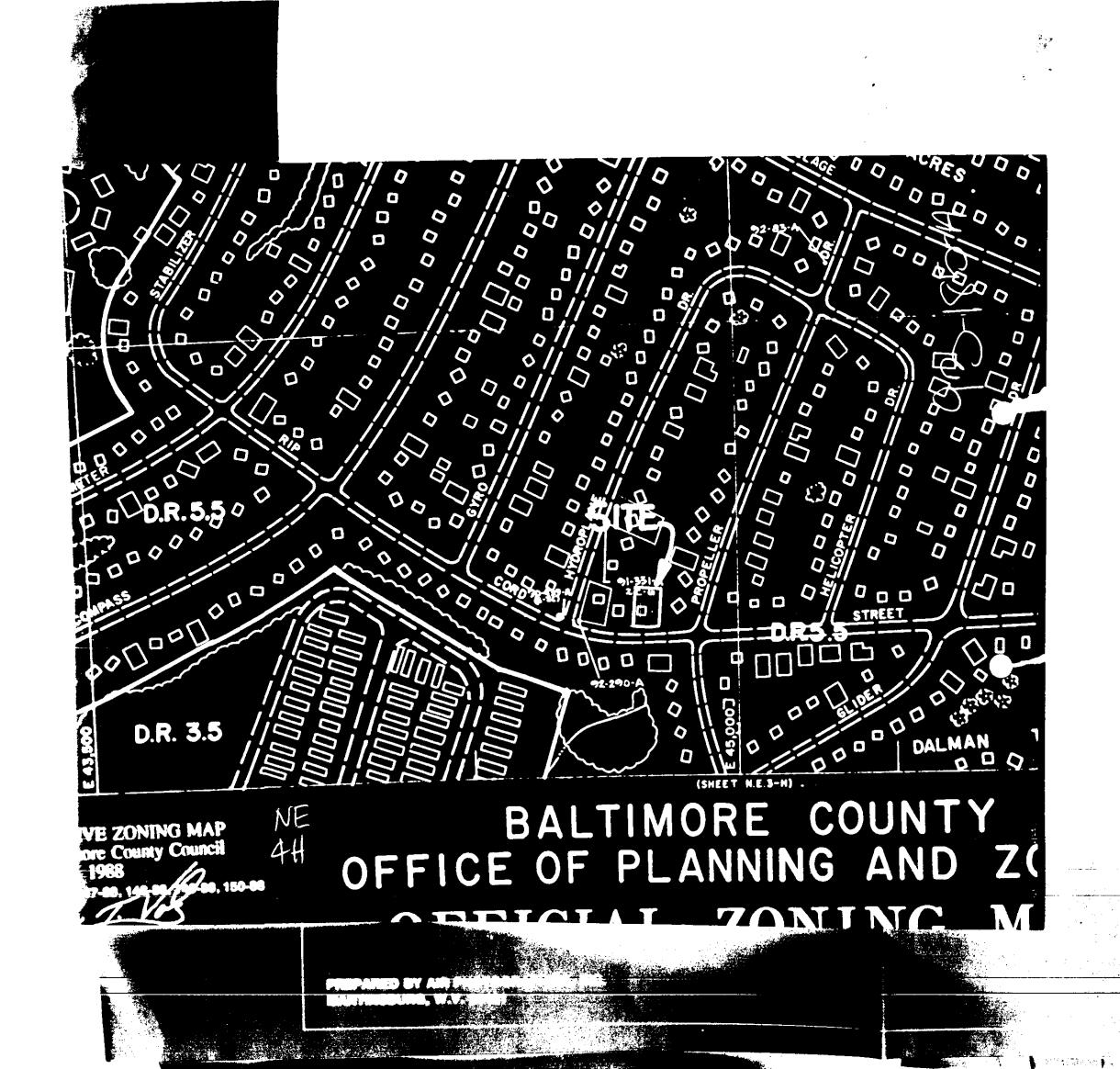
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James G. and Pamela J. Miller		





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PHOTOGRAPHY
JANUARY
1986

LOCATION
SHEET

N. E.
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W-581-56